

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
EL DORADO DIVISION

LONNIE JACKSON

PLAINTIFF

v.

Case No. 1:17-cv-1017

COLUMBIA COUNTY  
ROAD DEPARTMENT; and  
LARRY WALLER

DEFENDANTS

**ORDER**

Before the Court is Plaintiff Lonnie Jackson's Motion to Dismiss. (ECF No. 49). Plaintiff informs the Court that Defendants do not oppose the motion. The Court finds the matter ripe for consideration.

On October 14, 2018, Defendants filed a motion for summary judgment.<sup>1</sup> On October 30, 2018, Plaintiff filed the instant motion to dismiss, asking the Court to dismiss this case because, after conducting discovery and reviewing Defendants' pending summary judgment motion, Plaintiff has determined that he cannot overcome the summary judgment motion. Although Plaintiff does not specify what Federal Rule of Civil Procedure he moves under, the Court construes the instant motion as a Rule 41 motion.

Federal Rule of Civil Procedure 41 governs the dismissal of actions. An action may be dismissed by court order at the plaintiff's request, on terms the court considers proper. Fed. R. Civ. P. 41(a)(2). "Voluntary dismissal under Rule 41(a)(2) should not be granted if a party will be prejudiced by the dismissal." *Adams v. USAA Cas. Ins. Co.*, 863 F.3d 1069, 1079 (8th Cir. 2017).

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<sup>1</sup> To date, Plaintiff has not responded to Defendants' summary judgment motion.

Upon consideration, the Court finds that good cause has been shown for the motion and that no party will be prejudiced by the dismissal of this case. Accordingly, the Court finds that Plaintiff's motion (ECF No. 47) should be and hereby is **GRANTED**. Plaintiff's case is hereby **DISMISSED**.

**IT IS SO ORDERED**, this 2nd day of November, 2018.

/s/ Susan O. Hickey  
Susan O. Hickey  
United States District Judge